



# City of Rowlett

## Meeting Minutes

### City Council

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

*City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6109 or write PO Box 99, Rowlett, Texas, 75030-0099, at least 48 hours in advance of the meeting.*

Tuesday, April 19, 2011

5:30 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

**Present:** Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops

**Absent:** Mayor Harper

#### 1. CALL TO ORDER

Mayor Pro Tem Gottel called the meeting to order at 5:30 p.m.

#### CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:30 p.m.

#### 2. EXECUTIVE SESSION (5:30 P.M.)

- 2A. The City Council shall convene into Executive Session pursuant to Section §551.074 (Personnel) and Section §551.071 (Consultation with Attorney) of the TEXAS GOVERNMENT CODE to deliberate the duties, roles, and discipline, including but not limited to censure and/or reprimand, of Mayor John E. Harper. (60 minutes)
- 2B. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) and §551.072 (Real Property) to seek legal advice and to deliberate the acquisition/transfer of land for right-of-way located at or around Merritt Road. (15 minutes)

## **RECONVENE INTO OPEN SESSION**

Reconvened into open session at 6:15 p.m.

Mayor Pro Tem Gottel announced that Mayor Harper resigned his position as Mayor this morning.

Mayor Pro Tem Gottel gave a brief statement regarding the resignation of Mayor Harper.

### **3. WORK SESSION ITEMS (6:45 P.M.)**

- 3A.** Mayor's update to Council regarding the 4<sup>th</sup> Annual Transportation Conference held in Washington D.C. from March 8, 2011 through March 12, 2011. (10 minutes)

This item was not discussed during the Work Session.

- 3B.** Discuss creating a policy regarding the giving and/or receiving of a "Key to the City". (15 minutes)

Staff gave a brief history and stated the City does not have a "Key to the City Policy".

Consensus was reached to have each "Key to the City" opportunity placed on a Work Session agenda for discussion; however, if time does not allow for an item to be placed on a Work Session agenda, the Executive Committee of the City Council will have the authority to make the decision.

- 3C.** Discuss changes and/or amendments to the City Council Rules of Procedure. (10 minutes)

City Attorney gave a brief history of the Rules of Procedure.

Council suggested changes to Section 3.6 Town Hall Meeting, to include 'no such meeting shall be held within the 90 day period prior to an election for the Mayor or Councilmembers'. The primary purpose of these meetings should be an opportunity for citizens to make comments and ask questions of the Mayor, Council and/or staff regarding issues that are of concern to them. The content and time allotted in the agenda shall reflect this primary purpose. Such meetings shall not be held within the 90 day period prior to the election of the Mayor and/or City Council. Additions were suggested to include 'all television programs on RTN16 hosted by any member of the Council are approved by the Council; therefore, approval can be revoked. Additions were also suggested to include 'regional representation'.

Staff asked for changes to Section 5.1 Order of Business. Suggested at the beginning of each fiscal year, an item is placed on the Work Session to discuss who will represent the City in the various regional organizations.

- 3D. Discuss changes and/or amendments to the Boards and Commissions Handbook. (10 minutes)
- Council suggested changes to Section 1(4), to replace the final sentence from "the Mayor shall have the authority to create ad-hoc committees and to appoint members thereto" to "the Council shall have the authority to create ad-hoc committees and to appoint members thereto with a simple majority vote"; to Section 2.4(b), to replace the section "a committee of Councilmembers appointed by the Mayor will review the applications and prepare a slate of appointments for City Council to modify and/or approve for appointments to be made by City Council at the second meeting in September" to "the Council will review applications and will make appointments at the second meeting in September"; to Section 3.1(b), to replace the section "prompt attendance is encouraged. The Chair or official in charge has the responsibility to notify the Mayor of any attendance or tardiness concerns regarding a member(s). After proper notification concerning the member(s) attendance a letter will be generated and signed by the Mayor notifying the member of their removal from the board and/or commission." to "Prompt attendance is encouraged. The Chair or official in charge has the responsibility to notify the City Council with any attendance or tardiness concerns regarding a member or members. After proper notification concerning the member(s) attendance a letter will be generated and signed by the Mayor notifying the member of their removal from the board and/or commission"; and to Section 4.1(a), to replace the sentence "the Mayor shall appoint chairpersons for ad-hoc committees" to "the City Council shall appoint chairpersons for ad-hoc committees".

Council recommended Items 8A and 8B be tabled until the May 3, 2011 Council meeting.

- 3E. Discuss Golf Advisory Board recommendations for projects at the Waterview Golf Course. (20 minutes)

Staff spoke concerning the final prioritized recommendations from the Golf Advisory Board. Stated there will be \$168,000 in funds remaining after the reimbursement to the Utility Fund for a loan in 2005 and a one-year debt service payment. The Golf Advisory Board recommends \$125,000 in projects to be completed this year.

The recommended projects are as follows:

- Clubhouse HVAC improvements
- Add/improve recirculation pumps and fountains for ponds on holes #1, #9 and #14
- Chemical treatment for ponds on holes #6 and #7 to deter algae bloom
- Develop tee box on hole #11
- Plant additional trees

Consensus was reached to move forward with the recommendations.

- 3F. Hear presentation of the Monthly Financial report for the period ending February 28, 2011. (15 minutes)

City Manager requested the Monthly Financial Reports be presented during the Presentation portion of the regular meeting.  
Council agreed by consensus.

Staff presented the Monthly Financial Report for the period ending February 28, 2011.

- 3G. City Manager's Operational Update to include: Street Construction Projects. (10 minutes)

City Manager Humble gave a brief update to the Council on the various street construction projects in the City including the June 21<sup>st</sup> – June 29<sup>th</sup> confirmed closure of Rowlett Road at the rail crossing for the DART Blue Line Rail Extension; the President George Bush Turnpike service roads are tentative scheduled to open the first part of May for Miller Road to Liberty Grove; and the Rowlett Road Phase 2 construction will begin the first of July between Century Drive to Miller Road.

Spoke concerning the WHILE YOU WAIT Program for after school activities on Mondays and Wednesdays.

#### 4. **DISCUSS CONSENT AGENDA ITEMS**

Items 7E and 7I were removed from the Consent Agenda to be considered individually.

#### **CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)**

Convened into regular session at 7:30 p.m.

Mayor Pro Tem Gottel announced that Mayor Harper resigned his position as Mayor this morning.

Mayor Pro Tem Gottel gave a brief statement regarding the resignation of Mayor Harper.

#### **INVOCATION**

The invocation was led by Dr. Steven Leatherwood, First Baptist Church of Rowlett.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilmember Phillips.

## **TEXAS PLEDGE OF ALLEGIANCE**

The Texas Pledge of Allegiance was led by Councilmember Kilgore.

### **5. PRESENTATIONS AND PROCLAMATIONS**

#### **5A. Proclamation recognizing Cody Dowell for achieving the rank of Eagle Scout.**

Councilmember Kilgore presented a proclamation to Cody Dowell for his achievement.

#### **5B. Proclamation recognizing Bradley DuBay for achieving the rank of Eagle Scout.**

Deputy Mayor Pro Tem Jackson presented a proclamation to Bradley DuBay for his achievement.

#### **5C. Proclamation recognizing Steven Hykel for achieving the rank of Eagle Scout.**

Councilmember Davis presented a proclamation to Steven Hykel for his achievement.

#### **5D. Proclamation recognizing the month of May as National Motorcycle Awareness Month.**

Councilmember Phillips presented a proclamation to Sandy Daniels to recognize National Motorcycle Awareness Month.

#### **5E. Proclamation recognizing the month of May as National Foster Care Month.**

Councilmember Gallops presented a proclamation to Scott and Kim Booth to recognize the month of May as National Foster Care Month.

#### **5F. Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interests.**

Mayor Pro Tem Gottel gave a brief update to the Council on the various activities in the City including the success of the Eggstra-ordinary Egg Hunt and Pup-apalooza events; the after

school program WHILE YOU WAIT at Herfurth Park on Mondays and Wednesdays; the Realize Rowlett 2020 kick-off will be on April 25<sup>th</sup> at 7 pm at the Community Centre; Early Voting will be held at the Annex Conference Room from May 2 – 10; low cost vaccination clinics will be held at the Animal Shelter on April 23<sup>rd</sup> and 30<sup>th</sup> from 12:30 pm – 2:30 pm; Rowlett City offices will be closed on Friday, April 22<sup>nd</sup> for Good Friday; the Rockwall County Town Hall meeting date and location have changed to April 27<sup>th</sup> at 7 pm at the Lake Pointe Medical Center Cafeteria; and the opening of the Paddle Trail at Paddle Point Park will be on May 10<sup>th</sup> at 1pm.

## **6. CITIZENS' INPUT**

1. Sandy Daniels, 1902 Prairie Creek Trail, Garland – Spoke concerning Motorcycle Awareness Month and thanked the City for purchasing the share the road signs for motorcycles.
2. Gladys Wilkinson, 7809 Defender Lane, Rowlett – Spoke concerning the Office of the Mayor and thanked the City Council.
3. Laurieann Dygowski, 7242 Liberty Grove Road, Rowlett – Thanked the City Council and City staff.
4. Robin Simoneaux, 4214 Osage Drive, Rowlett – Spoke concerning the citizens' and City Council's responsibilities.
5. Fred Witzell, 7609 Coral Way, Rowlett – Spoke concerning the resignation of Mayor Harper.

## **7. CONSENT AGENDA**

Items 7E and 7I were removed from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 7A.** Consider approving minutes from the April 5, 2011 City Council Regular Meeting.

**This item was approved on the Consent Agenda.**

- 7B.** Consider a resolution correcting the verbiage for amending the Master Fee Schedule revising the Building and Building Regulations and Miscellaneous Sections approved by Resolution Number RES-043-11.

**This item was approved as RES-049-11 on the Consent Agenda.**

- 7C.** Consider an ordinance approving the regulation of illicit non-storm water discharges to the storm drainage system as required by Federal and State Law.

**This item was approved as ORD-008-11 on the Consent Agenda.**

- 7D.** Consider a resolution ratifying the expenditures and authorizing the acquisition of the necessary right-of-way and/or easements for the reconstruction of Rowlett Road, Phase 2 from Century Drive to north of Miller Road in an amount of one hundred thirteen thousand nine hundred forty-seven dollars and ten cents (\$113,947.10).

**This item was approved as RES-050-11 on the Consent Agenda.**

- 7E.** Consider a resolution awarding the bid for the purchase of eight LifePak 15 cardiac monitors/defibrillators and accessories to Physio Control Incorporated, as well as the trade-in of seven existing older model Lifepak units in the total amount of two hundred twenty-seven thousand eight hundred ninety-nine dollars and forty cents (\$227,899.40) for Rowlett Fire Rescue through the Interlocal Purchasing Agreement with the City of Richardson and authorizing the City Manager to execute the necessary documents for said purchase.

This item was removed from the Consent Agenda to be considered individually.

Mayor Pro Tem Gottel read the item into the record.

Staff spoke concerning the funds saved by receiving a grant for the purchase of the LifePak items.

**A motion was made by Councilmember Kilgore, seconded by Councilmember Davis, to approve this item as read. This item was adopted as RES-051-11. The motion carried by the following vote:**

**Ayes: 6 – Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

**Absent: 1 – Mayor Harper**

- 7F.** Consider a resolution exercising the second of three one-year renewals for the purchase of emergency medical supplies and medication for Rowlett Fire Rescue to Bound Tree Medical and Henry Schein Matrix in the unit prices bid and in an estimated annual amount of fifty-five thousand dollars (\$55,000) through the Interlocal Purchasing Agreement with the City of Cedar Hill as per contract renewal pricing 2011.

**This item was approved as RES-052-11 on the Consent Agenda.**

- 7G. Consider a resolution awarding the bid for Section I mowing services to 3-D Mowing Services in the unit amounts bid with an estimated annual amount of sixty-five thousand dollars (\$65,000) and authorizing the City Manager to execute the necessary documents for said mowing services for the Community Services Code Enforcement Division.

**This item was approved as RES-053-11 on the Consent Agenda.**

- 7H. Consider a resolution entering into a Memorandum of Agreement (MOA) for Parcel 25 – Merritt Road Improvements with Ronald Eugene Rhodes in the amount of sixty-two thousand dollars (\$62,000) for purchase of right-of-way.

**This item was approved as RES-054-11 on the Consent Agenda.**

- 7I. Consider a resolution awarding a contract to RKM Utility Services, Incorporated for the 2009 Alley Reconstruction Project with a Base Bid amount of one million seven hundred thirty-eight thousand two hundred twelve dollars and no cents (\$1,738,212.00), Alternate Bid Items #2, #6, #7, #8, #9, and #10 for six additional alleys in the amount of six hundred twenty four thousand two hundred nine dollars and zero cents (\$624,209.00) and the Flex Base Alternate for the Base Bid and all Alternate Bid Items in the net amount of nine thousand four hundred ninety-six dollars and twenty-five cents (\$9,496.25) for a total contract amount of two million three hundred seventy-one thousand nine hundred seventeen dollars and twenty-five cents (\$2,371,917.25) and approving a contingency amount of two hundred thirty-seven thousand one hundred ninety-one dollars and seventy-three cents (\$237,191.73) (10%) for a total project budget of two million six hundred nine thousand one hundred eleven dollars and ninety-eight cents (\$2,609,111.98) and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

This item was removed from the Consent Agenda to be considered individually.

City Secretary read the item into the record.

A member of Council spoke concerning the savings for this item.

**A motion was made by Councilmember Kilgore, seconded by Councilmember Phillips, to approve this item as read. This item was adopted as RES-055-11. The motion carried by the following vote:**

**Ayes: 6 – Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

**Absent: 1 – Mayor Harper**



- 7J. Consider a resolution approving a Development Agreement with Standard Pacific of Texas, Incorporated for Lakehill Addition, a single-family residential development located on the east side of Dexham Road south of Foxwood Drive, for water line infrastructure improvements and consideration of the provision of irrigation water for proposed open space.

This item was approved as RES-056-11 on the Consent Agenda.

#### Passed The Consent Agenda

A motion was made by Councilmember Phillips, seconded by Deputy Mayor Pro Tem Jackson, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:

Ayes: 6 – Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops

Absent: 1 – Mayor Harper

#### 8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A. Consider approval of changes and/or amendments to the Boards and Commissions Handbook.

Mayor Pro Tem Gottel stated this item will be tabled until the May 3, 2011 Council meeting.

- 8B. Consider approval of changes and/or amendments to the Council Rules and Procedures.

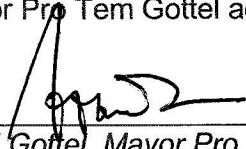
Mayor Pro Tem Gottel stated this item will be tabled until the May 3, 2011 Council meeting.

#### TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

No actions followed the Executive Session items.

#### 9. ADJOURNMENT

Mayor Pro Tem Gottel adjourned the meeting at 8:25 p.m.

  
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Todd Gottel, Mayor Pro Tem

  
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Susie Quinn, City Secretary

Date Approved: May 3, 2011